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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ASHLEY WAGNER, an individual,

Plaintiff,

vs.

JOHN R. MCKIBBEN, individually and as a  
corporate member of GRAPE TOO, LLC;  
GRAPE TOO, LLC, a limited liability company,  
d/b/a GRAPE STREET CAFÉ & WINE BAR;  
DOES I through X, inclusive; ROE  
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: 2:19-cv-00844-JCM-EJY

**STIPULATION AND  
ORDER TO CONTINUE EARLY  
NEUTRAL EVALUATION**

**(SECOND REQUEST)**

Plaintiff ASHLEY WAGNER and Defendants JOHN R. MCKIBBEN and GRAPE TOO, LLC, d/b/a GRAPE STREET CAFÉ & WINE BAR, by and through their respective counsel of record, hereby submit this Stipulation and Proposed Order to Continue the Early Neutral Evaluation (Second Request) and respectfully request that the Court continue the ENE currently scheduled for September 18, 2019 at 9:00 a.m. to November 21, 2019 at 9:00 a.m., if the Court's schedule can accommodate this date.

Counsel for the parties to this stipulation have conferred with their clients and hereby confirm that their clients or appropriate representatives are available on November 21, 2019.

If the Court is unable to accommodate these proposed dates, the parties request that the Court schedule a telephonic scheduling hearing to set the ENE on a date that works for the Court and all parties and their counsel.

IT IS SO STIPULATED.

Dated: this 12<sup>th</sup> day of September 2019

Dated: this 12<sup>th</sup> day of September 2019

/s/ Jeffrey I. Pitegoff  
JEFFREY I. PITEGOFF (Bar No. 5458)  
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/s/ Jason K. Hicks  
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Dated: this 12<sup>th</sup> day of September 2019

/s/ Nicholas D. Crosby  
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Limited Liability Company, d/b/a Grape Street  
Café & Wine Bar*

### **ORDER**

IT IS HEREBY ORDERED that the Stipulation to Continue Early Neutral Evaluation (Second Request) is GRANTED.

IT IS FURTHER ORDERED that the Early Neutral Evaluation is VACATED and RESET for November 21, 2019 at 9:30 a.m. Plaintiff and her counsel shall report to the settlement judge's chambers at 9:30 a.m., and Defendants and their counsel shall report at 10:00 a.m.

DATED: this 13th day of September 2019.

  
UNITED STATES MAGISTRATE JUDGE